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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/759,249

01/20/2004

Ramiro Liscano

551 (P1149US00)

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EXAMINER

STRANGE, AARON N

ART UNIT

PAPER NUMBER

2453

MAIL DATE

DELIVERY MODE

01/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/759,249 | Applicant(s) LISCANO, RAMIRO | |
| | Examiner AARON STRANGE | Art Unit 2453 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Examiner would like to note that the present application has been reassigned to a new Examiner.

Response to Arguments

2. With regard to claim 1 and Applicant's assertion that the amended claims differ from Lansio since "Applicant's amended claims recite that the internet Applicant includes the network portal and provides the local information to a destination server" (Remarks 5), the Examiner respectfully disagrees.

It appears that Applicant may be interpreting the wireless device of Lansio as the "Internet Appliance". However, the device containing the adapter 420 has been interpreted as the claimed "Internet Appliance". It is noted that the term "Internet Appliance" appears only in the preamble of claims 1 and 7 and the claims do not define the term to require that the "Internet Applicant" be an end node such as Lansio's transmitting user equipment devices.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Lansio et al (US 2003/008640).

5. With regard to claim 1, Lansio discloses a method of operating an Internet Appliance having a network portal (adapter 420) configured to provide local information to a destination server (name server 412), comprising:

storing in a memory at least one value representative of said local information in association with a respective variable name (adapter determines the address of the transmitting device and adds it to the outgoing message, which requires storing the address in memory)(¶44-48);

receiving a message containing a substitutable variable name and addressed to said destination server (adapter receives the message containing the self address tag and addressed to the name server)(¶41-44);

detecting said substitutable variable name in said message (adapter detects the self address tag)(¶44);

replacing said substitutable variable name in said message with said local information from said memory, thereby creating an amended message (adapter substitutes the address information for the self address tag)(¶49); and

sending said amended message to said destination server (adapter transmits the modified message)(¶49).

6. With regard to claim 2, Lansio further discloses that said message and said amended message are formatted according to a text-based Internet protocol (messages may be transmitted as SMS, GPRS or IOP, which support text-based messages)(¶45-49).

7. Claims 7 and 8 are rejected under the same rationale as claims 1 and 2, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-5 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lansio et al (US 2003/0008640).

10. In regards to claim 3, Lansio et al. discloses, wherein said text-based Internet protocol is Hypertext Transfer Protocol (¶0049 line(s) 10-14, teach the connection being

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used is an Internet connection, using the IIOP protocol, which supports transmission of text-based messages. However, Lansio et al. does not explicitly teach using HTTP. It would have been obvious to one of to one skilled in the art at the time of the invention to use a standardize protocol, such as HTTP, for transmission of messages, because it is reliable and scalable and provides a unified programming model in many environments).

11. In regards to claim 4, Lansio et al. discloses, wherein said text-based Internet protocol is Session Initiation Protocol (§0049 line(s) 10-14, teach the connection being used is an Internet connection, using the IIOP protocol, which supports transmission of text-based messages. However, Lansio et al. does not explicitly teach using SIP. It would have been obvious to one of to one skilled in the art at the time of the invention to use a standardize protocol, such as SIP, for transmission of messages, to be used in a telecommunication environment).

12. In regards to claim 5, Lansio et al. discloses, wherein said text-based Internet protocol is Simple Mail Transfer Protocol (§0049 line(s) 10-14, teach the connection being used is an Internet connection, using the IIOP protocol, which supports transmission of text-based messages. However, Lansio et al. does not explicitly teach using SMTP. It would have been obvious to one of to one skilled in the art at the time of the invention to use a standardize protocol, such as SMTP, for transmission of messages, for sending and receiving email type messages).

13. Claims 9-11 are rejected under the same rationale as claims 3-5, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/
Examiner, Art Unit 2453